

APR 16 2008

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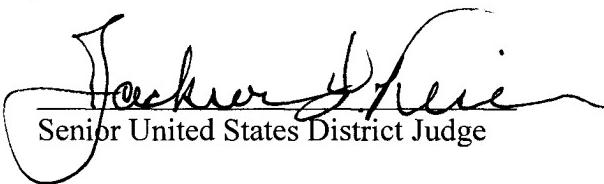
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

ERNEST SMITH,	)	
	)	
Petitioner,	)	Case No. 7:08-cv-00135
	)	
v.	)	<u>ORDER</u>
	)	
TERRY O'BRIEN, <u>et al.</u> ,	)	
	)	
Respondents.	)	By: Hon. Jackson L. Kiser Senior United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that respondents' motion to dismiss is **GRANTED**; the above referenced petition, pursuant to 28 U.S.C. § 2241, is **DISMISSED**; and this action is **STRICKEN** from the active docket of this court.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to counsel of record for respondents and to petitioner.

ENTER: This 16<sup>th</sup> day of April, 2008.

  
Senior United States District Judge